IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

Writ Petition No.l74 of 2005

Shri Parshuram L Bhise.....petitioner
vs
Union Bank of India and ors ... respondents
Mr. I R Kulkarni for petitioner
Mr Rahul Narichania for respondent no.2
Mr Aditya Chitale for respondent no. 3

CORAM: A.P.SHAH & D.Y.CHANDRACHUD JJ.

Dated 3.8.2005

P.C:

. Heard learned counsel for the parties.

. We are informed that the appeal preferred by the petitioner before the DRAT has been withdrawn by him. In any event respondent no. 2 is a partnership firm and not a company registered under the Companies Act. Therefore the judgment relied upon by the petitioner in the case of Pandurang Keshav Gorwadkar and anr vs. Paper and Pulp Conversions Ltd and ors (Writ Petition No.5293 of 2004 decided on ll.8.2004) has no application to the facts of this case. Petition is therefore dismissed with liberty to the petitioner to adopt appropriate remedy for recovery of amount due under the recovery certificate.

. The respondent no. 2 has filed Civil Application No.872 of 2005 for restoration of Writ Petition No.340l of 2002. The above order is without prejudice to the rights and contentions of the respondent no. 2 in the said Civil Application.

. In view of the decision of the learned single Judge in Machindra Rambhu Chavan vs M/s Amhednagar Forging Ltd and anr , 2003 Vol l05 (l) Bom L R 259, office is directed to waive objection relating to court fee.